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SUBJECT: EGITIM-SEN EDUCATION UNION FACES CLOSURE DUE TO
BYLAW CLAUSE SUPPORTING MOTHER TONGUE INSTRUCTION

REF: 03 ANKARA 728

Classified By: (U) Classified by Political Counselor John Kunsdtadter under E.O. 12958, reason 1.4 (b) and (d).

1. (U) Summary: Turkish Education and Science Workers Union Egitim-Sen faces opposition from the Ministry of Labor and Social Security, the Turkish General Staff and the Ankara governor's office over its refusal to delete a clause in the union's bylaws supporting mother tongue education. While the GOT has permitted a few private Kurdish-language schools to open (reftel) nationalist-statists choose to interpret the bylaw as raising the specter of Kurdish language education in public schools, which many in the Turkish state, government and public assert would be a significant step toward a separate Kurdish state. A Court of Appeals hearing could result in the Union's final closure just as the European Union is considering the extent of Turkey's progress on a variety of human rights issues. End summary

2. (U) Egitim-Sen, which has more than 200,000 teacher and science worker members in 100 branches throughout the country, faces possible closure over a phrase in its bylaws that "defends (the right of) persons to get (an) education and develop their culture in their mother tongue." Organized in 1989, Egitim-Sen had its bylaws approved as submitted to the MOLSS. When the Turkish Parliament revised the Public Workers Law in 2001, the MOLSS and the TGS, through the Ankara governor's office asked Egitim-Sen to revise its bylaws to conform to the new regulation.

3. (U) Refusing to change the original bylaws led to prosecutors bringing a case against the union for having a clause in its bylaws that violated the Constitution as well as the Law on Public Servants Trade Unions and a preliminary hearing was conducted in July 2004. While the GOT has permitted some private Kurdish-language education schools to open in the Southeast (reftel), the bylaw raises in the minds of nationalist-statists the specter of public schools offering Kurdish-language education. Many in the Turkish state, GOT and the public assert this development would be a significant step toward a separate Kurdish state. The case went to trial in the Labor Court in September where the judge determined the union had not violated any laws. The Court of Appeals overturned this and returned the case to the lower court. A hearing is scheduled for December 10; possible outcomes include the Court of Appeals affirming the first decision that Egitim Sen had not violated any laws or it can close the union.

4. (C) Egitim-Sen asked for support from both AKP and CHP, but Egitim-Sen President Alaaddin Dincer alleges that the political parties are reluctant to support the union because of the TGS position against the clause. Egitim-Sen has already heard rumors that various unnamed onlookers are congratulating the presiding judge for his decision, although it is not known what that is. Union interlocutors say the State does not want to concede this issue because the language issue is one that is perceived to be important to the unity and integrity of the state. Nevertheless, the Egitim-Sen leadership believes this is an issue of conscience. The union admits its position puts it in direct conflict with the current government, but feels Parliament could resolve the problem by issuing a simple one-article declaration supporting the clause. Echoing sentiments we heard from various unions across the political spectrum, Turkish Confederation of Employer Associations Secretary General Bulent Pirlir said it would be wrong to close a union and asserts (with no further information) that at some point in the near future Parliament will quietly rewrite the Public Workers Law to accommodate Egitim-Sen.

5. (C) The discussion over mother tongue education is occurring at a time when the EU accession process has exacerbated tensions about minority rights. While the bylaw article was not originally written to accentuate Kurdish issues, in the current environment the Turkish state prefers to interpret it to imply support for a Kurdish separatist movement. TGS insists on compliance with its interpretation of the Constitution.

EDELMAN